

REMARKS

This amendment is filed in response to the Office Action dated July 12, 2006 and received in this patent application. In the amendment, claims 45-54 have been cancelled without prejudice in response to the final restriction requirement set forth in the Action. Claims 28, 34 and 40 have been amended, such that claims 28-44 now remain pending in the application. Reconsideration of the pending claims in light of this amendment and the following remarks is respectfully requested.

These amendments add no new matter. With regard to claims 28-44, the display of the synchronized contest is described in connection with FIG. 8 and the corresponding description, such as set forth in ¶¶0091-0101 of the specification as set forth in U.S. Pub. No. 2004/0244060, and providing such as an animated graphical display, as well as doing the same as a single continuous event is described, for example, in ¶¶0092,0100.

Claims 28-44 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,508,706 to Sitrick et al. ("Sitrick"). This rejection is traversed.

Claim 28 has been amended to recite: *[a] method for displaying synchronized contests involving characters associated with portable devices, the method comprising:*

*associating with a first portable device a first character having a first status level;
detecting a second portable device within a proximity of the first portable device, a
second character having a second status level being associated with the second
portable device;
comparing the first status level with the second status level; and
displaying on the first portable device an animated graphical display of a contest
between the first and second characters, wherein the animated graphical display
of the contest is displayed as a synchronized single continuous event on both the
first portable device and the second portable device, with an outcome of the
contest being determined based upon the comparison of the first and second
status levels.*

These claimed features are neither disclosed nor suggested by Sitrick. Sitrick discloses an electronic trading card (ETC) that provides feedback to a user relating to group social behavior through implementation of interaction rules. (Sitrick, Abstract). A "persona"

corresponding to an ETC device may have numerous attributes. (Sitrick, 7:65-8:57). Various interactions, such as where one ETC asks for or provides information to another, are described. (Sitrick, 8:58-9:27). Transfer of possessions pursuant to such interaction is governed by the rules. (Sitrick, 9:28-35).

The Examiner alleges the Sitrick discloses a synchronized graphical display involving a contest between the first and second character respectively provided by portable devices. (See, e.g., Office Action at p. 4, citing Sitrick at 4:46-58).

Applicant has amended claim 28 to clarify that the provided display is “*an animated graphical display of a contest between the first and second characters, wherein the animated graphical display of the contest is displayed as a synchronized single continuous event on both the first portable device and the second portable device*,” and respectfully submits that Sitrick is devoid of any description or suggestion of such a feature.

Sitrick repeatedly describes group social behavior and corresponding interactions between personas. Any reference to the results of such interactions appears to address the maintenance of certain possessions. For example, wealth, wisdom, health, rank and sex are said to be transferred (e.g., given, or taken), but there is no apparent disclosure or suggestion of a battle or other type of contest occurring between characters and being displayed. There is no apparent description of a synchronized content generally, and certainly no disclosure or suggestion of providing such a synchronized display as a single continuous event on both the first and second portable devices. The passage cited by the Examiner states that:

“[t]he transfer can alternatively result in a change to the value of the respective variables of both devices in the transfer, or only result in a change to the value of the respective variable in only one of the devices in the transfer. The transfer of the value for the respective variable is governed by predefined rules associated with the respective variable. Each device can communicate with at least one of the players and at least another one of the devices. The device communicates at any given time with only one of the other ones of the devices. Each device can provide an active game with an associated display. The active game is divided into phases comprising a discovery phase and an active play phase.”

(Sitrick, at 4:46-58).

Applicant submits that the above passage merely reiterates what is noted above regarding Sitrick. That is, the interaction among personas represented in respective ETC devices results in a comparison and then some kind of transfer. In a discovery phase, information about the

personas is discovered, and in an active play phase the transfer is accommodated. There is no mention of an animated graphical display of a contest, particularly one that is shown as a synchronized single continuous event on both the first portable device and the second portable device, as claimed by Applicant. The Sitrick reference merely states that the device can provide an active game, meaning the game is underway, with an associated display, meaning that some kind of display is made in association with the game. There is no mention of an animated graphical display of a contest, or of a synchronized single continuous event in two devices, as claimed by Applicant.

Applicant submits that Sitrick neither discloses nor suggests features recited in independent claim 28 and requests reconsideration and withdrawal of the rejection in that regard. Applicant also submits that independent claims 34 and 40, and dependent claims 29-33, 35-39 and 41-44 are similarly neither disclosed nor suggested by Sitrick, for their recitation or incorporation of similar features.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 28-44 as under 35 U.S.C. § 102(e) as being anticipated by Sitrick.

For the foregoing reasons, reconsideration and allowance of the claims which remain in this application are solicited. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

Dated:

Oct. 10, 2006

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